

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	
)	
HUBERT DOLEZAL,)	
)	
Defendant,)	No. 19 CR 8
)	
and)	Judge Tharp
)	
STATE UNIVERSITIES RETIREMENT)	
SYSTEM,)	
)	
Third-Party Respondent.)	

AGREED MOTION FOR TURNOVER ORDER

The United States of America, by Morris Pasqual, Acting United States Attorney for the Northern District of Illinois, moves for an agreed turnover order and in support states as follows:

1. The court entered a judgment against defendant Hubert Dolezal for health care fraud on October 17, 2020, and ordered restitution paid in the amount of \$3,270,979.00.
2. Pursuant to a payment order, Dolezal has paid approximately \$1,673,248.96 in restitution to the United States and funds have been forwarded to the victim, CMS, including:
 - a. \$170,000 from the sale of 1960 North Lincoln Park West, Unit 3105 in Chicago, Illinois and parking spaces ULG 4 and ULG 41;
 - b. \$835,342 from the liquidation of TIAA Retirement Accounts.
 - c. \$289,110 from the liquidation of TIAA Retirement Accounts.
 - d. \$252,944 from the sale of 1960 North Lincoln Park West, Unit 2109 in Chicago, Illinois and parking space ULG 75.
 - e. \$51,835.00 from proceeds arising from the sale of 3200 N. Lake Shore Drive,

Apt 303 in Chicago, Illinois.

f. \$12,000 in monthly payments of \$500.

g. \$61,577.20 in Treasury offsets from Dolezal's IRS Form 1040 tax return.

h. \$390.32 in Treasury offsets of Dolezal's Social Security monthly benefit.

3. As of July 20, 2023, the judgment balance is \$1,597,730.04

4. The United States is collecting the restitution judgment for the benefit of the victims in this case and may use any federal or state procedure to enforce the judgment. 18 U.S.C. §§ 3613(a) and (f). A citation to discover assets directed to the respondent, State Universities Retirement System (SURS), was issued on April 28, 2023, and served on May 1, 2023.

5. SURS answered the citation on May 24, 2023. A copy of the answer is attached as Exhibit A. Dolezal was served with a copy of the answer by SURS, as reflected in paragraph 8 of the answer. SURS stated in its answer that it had in its possession or under its control pension funds belonging to Dolezal at the time the citation was served. The United States is entitled to 25% of Dolezal's monthly benefit, less any federal income tax withholding, for each pay period since the citation was served and continuing each pay period until the debt is paid in full, or until SURS no longer has custody, possession, or control of any funds belonging to Dolezal, or until further order of this court. 18 U.S.C. § 3613(a); 28 U.S.C. § 3205(c)(7).

6. Under the payment order entered at sentencing, Dolezal was directed to pay \$500 each month through the period of supervised release, which has not yet ended. Because the amount of the monthly turnover of 25% of Dolezal's pension benefit exceeds the \$500 monthly payment currently in place, the parties agree that Dolezal's obligation to make that payment is fulfilled by the pension garnishment and Dolezal is not required to make any additional monthly payments.

7. The Clerk of the Court collects all payments on monetary penalties imposed in

criminal cases; accordingly, all payments should have “19 CR 8” written in the lower left corner of the check and be submitted to: Clerk of the Court; U.S. District Court, Northern District of Illinois; 219 South Dearborn Street, 20th Floor; Chicago, Illinois 60604.

8. The United States has provided all notices required by law.

WHEREFORE, the United States requests entry of a turnover order directing State Universities Retirement System to submit to the Clerk of the Court 25% of Dolezal’s monthly pension benefit less any federal income tax withholding, for each pay period since the citation was served and continuing each pay period until the debt is paid in full or until State Universities Retirement System no longer has custody, possession, or control of any funds belonging to Dolezal, or until further order of this court, and that the \$500 per month payment obligation be deemed satisfied by the ongoing pension garnishment.

Respectfully submitted,

MORRIS PASQUAL
Acting United States Attorney

By: s/ Julia D. Loper
JULIA D. LOPER
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
julia.loper@usdoj.gov

Certificate of Service

The undersigned Assistant United States Attorney hereby certifies that in accordance with Fed. R. Civ. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF), the following documents:

AGREED MOTION FOR TURNOVER ORDER

were served pursuant to the district court's ECF system as to ECF filers, if any, and was sent by first-class mail or via email on July 28, 2023, to the following non-ECF filers:

Bianca T. Green
State Universities Retirement System
bgreen@surs.org

s/ Julia D. Loper

JULIA D. LOPER
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
312-353-5351
julia.loper@usdoj.gov

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

United States of America)
)
) No. 19 CR 8
)
 v.)
) Judge Tharp Jr.
 Hubert Dolezal,)
)
 Defendant.)
)
 and)
)
 State Universities Retirement System,)
)
 Third Party Citation Respondent.)

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MAY 01 2023
STATE UNIV RET SYS

ANSWER OF THIRD PARTY CITATION RESPONDENT

I, Bianca T. Green, the General Counsel of Respondent, S U R S state
(name) (title)
under penalty of perjury as follows:

Body politic and corporate
The Respondent is a corporation organized under the laws of the State of Illinois, under Article 15, Illinois Pension Code.
(partnership, corporation)

On May 1, 2023, Respondent was served with the Third Party Citation to Discover Assets. With respect to the judgment debtor, Hubert Dolezal, on the day Respondent was served with the Citation, Respondent had in its possession or control the following property of the judgment debtor:

I. Financial Accounts

Account 1

Account type: S U R S Retirement Annuity
Account No.: _____
Amount: \$ \$11,768.81 per month
Amount withheld: \$ attached

Account 2

Account type: _____
Account No.: _____
Amount: \$ _____
Amount withheld: \$ _____

Account 3

Account type: _____
Account No.: _____
Amount: \$ _____
Amount withheld: \$ _____

Account 4

Account type: _____
Account No.: _____
Amount: \$ _____
Amount withheld: \$ _____

Please return to: United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor, Chicago, Illinois 60604

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MAY 01 2022
STATE UNIV RET SYS

2 Safety Deposit Box

Box No.: N/A

Amount: \$

Owners other than the judgment debtor: _____

3. Detail other personal property in the respondent's possession or control:

N/A

4. Are there prior garnishments or other court-ordered withholdings which are presently in effect including, but not limited to child support and alimony?

Yes ___ No ___ N/A

If the answer is yes, describe below:

5. Does the Respondent have custody, control or possession of any property, other than accounts, safety deposit boxes or other personal property, now owed or to be paid in the future, in which the judgment debtor has an interest?

Yes ___ No ___ N/A

If yes, please describe below (continue on additional sheets if necessary):

6. Check and complete the applicable line below if you deny that you hold property subject to this Citation to Discover Assets

_____ The Respondent has the following objections, defenses, or set-offs to the United States' right to apply Respondent's indebtedness to defendant to the United States' claim:

_____ On the date the Respondent was served with the Citation to Discover Assets, Respondent was not indebted or under liability to the defendant, and/or did not have in its possession or control any assets, income or other property belonging to Respondent, or in which the defendant has an interest.

7. The original Answer must be delivered in person or sent by first-class mail to the United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor, Chicago, Illinois 60604.

Please return to: United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor, Chicago, Illinois 60604

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8 The Respondent mailed a copy of this Answer by first-class mail to:

(A) the defendant, Hubert Dolezal, at 1960 N Lincoln Park W Apt 3103
Chicago IL 60614-6534

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I verify under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of May, 2023.



(Please print and sign name) Bianca T. Green, General Counsel

Phone No. 217-378-8825

Please return to: United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor,
Chicago, Illinois 60604

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UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CASE NUMBER: 19 CR 8

V.

HUBERT DOJEZAL


DECLARATION OF CUSTODIAN OF RECORDS¹

I, Bianca T. Green, General Counsel (print name and title), hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge and belief:

1. I am a duly authorized custodian of records in the employ of State Universities Retirement System, with authority to certify said records.
2. The accompanying records are the originals or true copies of records made and kept in the regular scope and course of my employer's regularly conducted activity and constitute all of the records called for in the citation heretofore served in this matter.
3. The entries contained in the original records were prepared by persons having actual knowledge thereof, or with information transmitted by a person with actual knowledge, at or near the times of the occurrences of the matters which they purport to describe.

SIGNED AND EXECUTED

this 24 day of May, 2023.



Name: Bianca T. Green, General Counsel
Custodian of Records for: State Universities Retirement System

¹ To be completed if the Respondent is producing documents.

Please return to: United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor, Chicago, Illinois 60604